

EFFECTIVE DATE  
January 3, 2005

NEBRASKA HEALTH AND HUMAN SERVICES  
REGULATION AND LICENSURE

172 NAC 105

TITLE 172

PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 105

PAID DINING ASSISTANTS

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CHAPTER 105                PAID DINING ASSISTANTS

105-001 SCOPE AND AUTHORITY: These regulations implement Neb. Rev. Stat. §§ 71-6038 to 71-6042, and identify the circumstances and conditions under which paid dining assistants may feed residents in nursing homes.

105-002 DEFINITIONS

Complicated feeding problems include, but are not limited to –

1.        Difficulty swallowing;
2.        Recurrent lung aspirations; and
3.        Tube or parenteral or intravenous feedings.

Curriculum means a detailed outline of the course content including specific content areas.

Department means the Department of Health and Human Services Regulation and Licensure.

Immediately available means that the registered or licensed practical nurse is available to respond at any time in person or by electronic communication, including but not limited to pagers, intercom or call light systems, telephone and cell phones. This DOES NOT mean that the registered or licensed practical nurse must be in the same room, or “looking over the shoulder” of the paid dining assistant.

Nursing assistant means any person employed by a nursing home for the purpose of aiding a licensed registered or practical nurse through the performance of nonspecialized tasks related to the personal care and comfort of residents other than a paid dining assistant or a licensed registered or practical nurse.

Nursing home means any facility or a distinct part of any facility that provides care as defined in Neb. Rev. Stat. §§ 71-420, 71-421, 71-422, 71-424, and 71-429. This includes intermediate care facilities, intermediate care facilities for persons with mental retardation, long-term care hospitals, nursing facilities, and skilled nursing facilities.

Paid dining assistant means any person employed by a nursing home for the purpose of aiding a licensed registered or practical nurse through the feeding of residents other than a nursing assistant or a licensed registered or practical nurse.

Supervision means the provision of oversight to a paid dining assistant by a registered or licensed practical nurse who is on duty, physically present in the nursing home, and immediately available.

Supervisor means any person employed by the nursing home in a supervisory nursing capacity and who would be available for the paid dining assistant to notify in an emergency situation related to feeding residents.

105-003 QUALIFICATIONS OF PAID DINING ASSISTANTS: A person may act as a paid dining assistant in a nursing home only if s/he:

1. Is at least 16 years of age;
2. Is able to speak and understand the English language or a language understood by the nursing home resident being fed by that person;
3. Has successfully completed at least eight hours of training as prescribed by the Department for paid dining assistants;
4. Has no adverse findings on the Nurse Aide Registry or the Adult Protective Services Central Registry; and
5. Has no adverse findings on the central register of child protection cases maintained by the Department of Health and Human Services if the nursing home which employs the person as a paid dining assistant has at any one time more than one resident under the age of 19 years.

105-004 ROLE OF THE PAID DINING ASSISTANT: Paid dining assistants are single-task workers who:

1. Only feed residents who have no complicated feeding problems as selected by the nursing home based on the resident's latest assessment, plan of care, and determinations by the charge nurse that the resident's condition at the time of such feeding meets that plan of care and that the paid dining assistant is competent to feed that particular resident;
2. Work under the supervision of a licensed registered or practical nurse who is on duty, physically present in the nursing home, and immediately available; and
3. Must call a supervisor for help in an emergency.

Paid dining assistants must not perform nursing or nursing-related services. Paid dining assistants are only to supplement and not to substitute for licensed registered or practical nurses or nursing assistants.

105-005 COURSE, CURRICULUM AND TRAINING REQUIREMENTS FOR PAID DINING ASSISTANTS: Paid dining assistant courses must be approved by the Department.

105-005.01 The course provider must submit an application to the Department that includes –

1. The name of the entity or person providing the course;
2. The course curriculum, including all course materials that will be utilized to meet the content areas;

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3. A detailed description of methods used to determine competency of each paid dining assistant, including copies of exams and/or procedures;
4. The name and license number of the registered nurse administering the course; and
5. The signature of the registered nurse administering the course.

105-005.02 The course must –

1. Be taught by a single entity or person who meets the requirements of 172 NAC 105;
2. Consist of at least eight documented hours of classroom and clinical instruction;
3. Be administered by a licensed registered nurse who has authority to practice in the State of Nebraska; and
4. Include instruction and competency evaluation in the following content areas:
  - a. Feeding techniques, including but not limited to levels of assistance, cueing, proper positioning, and use of assistive devices as appropriate;
  - b. Assistance with feeding and hydration, including but not limited to basic nutrition, age-related changes related to feeding and nutrition, dehydration, weight loss, therapeutic diets and dining preparation;
  - c. Communication and interpersonal skills, including but not limited to basic communication skills including verbal and non-verbal communication, and barriers to communication;
  - d. Appropriate responses to resident behavior, including but not limited to identification of common behavior problems and suggested management approaches;
  - e. Safety and emergency procedures including but not limited to abdominal thrusts, general safety procedures when feeding residents, fire and disaster procedures, and basic emergency care including falls, scalds and burns, seizures, chest pain, shortness of breath and reporting procedures;
  - f. Infection control, including but not limited to personal hygiene, handwashing, proper handling of food, and standard precautions;
  - g. Resident rights, including but not limited to resident rights as set forth in 175 NAC 12-006.05;
  - h. Recognizing changes in residents that are inconsistent with their normal behavior and the importance of reporting these changes to the supervisory nurse including but not limited to objective and subjective observations, what to report, to whom to report changes and the time frame of reporting;
  - i. Special needs of residents in relation to feeding who may have additional medical conditions including but not limited to stroke, dementia, physical limitations, and/or mental illness; and

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- j. Abuse and neglect including but not limited to the definitions of such terms and the responsibility to report suspected abuse or neglect as required by Neb. Rev. Stat. §§ 28-372 and 28-711.

105-005.03 Persons completing a paid dining assistant training course must demonstrate the minimum acceptable competency in performing tasks or duties connected with each content area listed in 175 NAC 105-005.02. Minimum competency must be determined by a registered nurse.

105-005.04 Courses may exceed the minimum hour or training requirements set forth in 175 NAC 105.

105-005.05 Any changes to the approved curriculum or the licensed registered nurse administering the paid dining assistant course must be submitted in writing to the Department for prior approval.

105-005.06 Course providers must submit to the Department the following information for each individual who has successfully completed the paid dining assistant course and competency evaluation within 30 days of completion. This information must include the individual's –

1. Name;
2. Address;
3. Date of birth; and
4. Date of course completion and competency evaluation.

105-005.07 Course providers must maintain, for a minimum of two years, course attendance records for each paid dining assistant course taught including –

1. Name and title of the instructor of each course topic;
2. Names of individuals completing the course; and
3. Dates and hours completed in each course topic.

105-006 PAID DINING ASSISTANT REGISTRY: The Department will maintain a registry of persons who successfully complete an approved paid dining assistant course and competency evaluation. The registry will include –

1. Name;
2. Address;
3. Date of birth; and
4. Date of course completion and competency evaluation.

The registry will not contain information regarding abuse or neglect of residents during employment as a paid dining assistant. Complaints and/or registry checks regarding abuse or neglect must be referred to the Adult Protective Services Central Registry and/or the child central registry.

105-007 NURSING HOME REQUIREMENTS: Each nursing home must maintain –

1. A listing of all paid dining assistants employed at the facility and the number of hours worked;
2. For each individual dining assistant –
  - a. Verification of successful completion of an approved paid dining assistant training course and competency evaluation; and
  - b. Verification that the facility has made checks with the Nurse Aide Registry, the Adult Protective Services Central Registry, and the central register of child protection cases maintained by the Department of Health and Human Services if applicable.

105-007.01 Facilities utilizing paid dining assistants must have policies and procedures that address how supervision of paid dining assistants will occur and how paid dining assistants will be identified as single task workers for the purposes of this chapter.